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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,454	01/21/2004	Eizo Fujisawa	848075-0068	3053

29619 7590 07/05/2007  
SCHULTE ROTH & ZABEL LLP  
ATTN: JOEL E. LUTZKER  
919 THIRD AVENUE  
NEW YORK, NY 10022

EXAMINER
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DABNEY, PHYLESHA LARVINIA

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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07/05/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/761,454

Applicant(s)

FUJISAWA, EIZO

Examiner

Phylesha L. Dabney

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 6/28/04; 10/31/06.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

This action is in response to the Application filed on 21 January 2004 in which claims 1-19 are pending.

#### *Drawings*

Figure 17 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **1-2, 9-11, and 18-19** are rejected under 35 U.S.C. 102(e) as being anticipated by Bell et al (U.S. Patent No. 7,162,030).

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Regarding claims 1 and 11, Bell teaches a portable terminal unit (100, 200) comprising: a first housing (202) and a second housing (204), said first housing and said second housing overlapping each other; a coupling section (280) which couples said first housing and second housing to each other at their end portions so that said first and second housings are relatively rotatable around a shaft which passes through said first and second housings; an operation section (236) provided on a second housing surface, which faces said first housing; a display section (206) provided on a surface of a first side of said first housing, said surface being opposite to a second side of said first housing, said second side facing said second housing; a storing section (104, 108); and a control section (212, 214, 216, 218, 228, 230, 232, 234) which controls said display section, wherein said portable terminal unit is in a closed state when said first housing and said second housing are overlapped and said portable terminal unit is in an opened state when said operation section is exposed to outside by clockwise or counterclockwise rotation of said first housing from the closed state, and said control section controls to display a first screen on said display section when said first housing is rotated in relation to said second housing clockwise from the closed state, and controls to display a second screen on said display section when said first housing is rotated in relation to said second housing counterclockwise from the closed state.

Regarding claim 2, Bell teaches the portable terminal unit according to claim 1, wherein said first screen and said second screen are different screens based on different applications (figs. 5a-5d).

Regarding claims 9 and 18, Bell teaches the portable terminal unit according to claim 1, wherein said portable terminal is a mobile telephone (100, 200; col. 1 lines 58-60 and col. 3 lines 50-52).

Regarding claims 10 and 19, Bell teaches the portable terminal unit according to claim 1, wherein said portable terminal is a personal digital assistant (100, 200; col. 1 lines 58-60 and col. 3 lines 50-52).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-8, and 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bell.

Regarding claims 3-8 and 12-18, Bell fails to specifically teach the control section (212, 214, 216, 218, 228, 230, 232, 234), in the closed state, controls to display a standby mode screen, an address book screen, a received mail box screen, an incoming-call history screen, an image reproduction screen, on said display section, and said control section (212, 214, 216, 218, 228, 230, 232, 234), in the opened state, controls to display an address book screen, a screen during call-making, an image editing screen for one of said first screen and said second screen, and display a menu selecting screen, a mail creating screen, a received mail box screen, or a

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mail creating screen to create a mail to which an image is automatically attached for another of said first screen and said second screen.

However, the Examiner takes official notice that it is known in the art to use the control section in portable terminal units in the manner as described for increased functionality of the unit.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include features described in the invention of Bell for the reasons stated.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phylesha L. Dabney whose telephone number is 571-272-7494. The examiner can normally be reached on Mondays, Wednesdays, Fridays 8:30-4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

**Any response to this action should be mailed to:**  
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Alexandria, VA 22313-1450

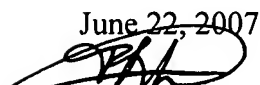
**Or faxed to:**  
(703) 273-8300, for formal communications intended for entry and for informal or draft communications, please label "Proposed" or "Draft" when submitting an informal amendment.

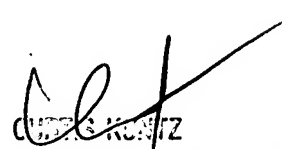
**Hand-delivered responses should be brought to:**  
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

June 22, 2007

  
PLD

  
CURTIS KENTZ  
UNITED STATES PATENT AND TRADEMARK OFFICE  
2007 JUNE 28 2007